(926)

THE Six Clerk's REPLY To the Under-Clerk's ANSWER.

THE Six Clerks who are juſtly Senſible, That the Honourable *Houſe* of *Commons*, will always diſtinguiſh between *Arguments* and *Reflections*, might have forborne any Reply to the Under-Clerk's Anſwer; But leſt their Anſwer comes to be read by Perſons leſs Judicious than the Members of this *Houſe*

The Six Clerks beg leave to take Notice,

1. THAT as the Under-Clerks Acknowledge the Six Clerks to be *Ancient Officers*, And to have a *Free-hold* in their Offices, ſo they that fill 'em, are ready to give all juſt Satisfaction of their Experience, Ability and Application in the Diſcharge of the Duties of 'em, And as to the Stile of Sworn Clerks, on which they Value themſelves, the Six Clerks inſiſt, That gives them no Precedence or Free-hold in the Office, but was only intended for their fair Dealings with the *Records* and Depoſitions of Witneſſes coming to their Hands, and that they ſhould demean themſelves Honeſtly in that Reſpect, as appears by the Oath.

2. THE Six Clerks inſiſt, that the Under-Clerks had Riſe, only in Eaſe, and Conveniency to the Six Clerks; and by their *Appointment*, and at their *Allowance*, and that their *Dependency* ſtill remains, and that there was no Neceſſity to increaſe their Number in 1688, from 60 to 90, but on the contrary it has been very prejudicial to the Court and Suitors.

3. ALL Pleadings in the Court being drawn and ſigned by Council, and the Form of Writs, *&c.* being all ſetled by the Court. The Under-Clerks can appear to be nothing more than Tranſcribers of Records, or fac Similes; and the Six Clerks are ready to undertake the Duty of their whole Office; whereof the Under-Clerks do now (undeſervedly) bear a Share, and give all imaginable Caution for a better and more juſt Diſcharge of that part thereof, which the Under-Clerks ought to perform.

AS for the Credit the Under-Clerks give the Suitors, 'tis done in Proſpect of making the greater Advantages to themſelves, but is a manifeſt Prejudice to the Six Clerks, out of whoſe Fees chiefly the Credit is given.

4. 'TIS well the Under-Clerks allow the Six Clerks to be the *Attornies* of the Court; but 'tis much that they allow them to know their Fees; And if the Under-Clerks prevail, that Knowledge will ſoon become Uſeleſs; for the Six Clerks will have ſhortly no Fees to Receive.

THE Six Clerks do conſtantly attend to Receive and File *Records*, and uſe their utmoſt Endeavours for the Safe and Regular keeping thereof, but with much Concern own, That they have met with great diſincouragement in the Execution of that part of their Duty, and are deſirous to Repreſent the Grounds of their Complaint in this behalf to the *Houſe* and to Aſſign the Default to its *proper Cauſes*; and to bear the Blame themſelves, if they fix it not on the Under-Clerks, and the Encouragement given to their groſs Remiſſneſs and neglect, againſt which the repeated Complaints of the Six Clerks, have not been able to obtain Redreſs.

THE Under-Clerks queſtioning what the Six Clerks have affirmed, in relation to the Property of the Six Clerks Office, and the Charge attending it, is an unparallel'd Inſtance of their Hardineſs; and the Six Clerks deſire only to have that Matter conſider'd, as they ſhall fully make out the Truth to be.

5. THE Six Clerks humbly Submit whether the Clauſe they complain againſt, had any other Tendency, than an Eaſe to the Suitor, in withdrawing the Tenor of the Bill, and Recompence for it to the Under-Clerks; who had the whole Advantage thereof before, but by their Avarice and unfair Dealings with the Suitors, rendred it uſeleſs, and a Burthen to the Subject; And whether the Uſe now made of that Clauſe does not manifeſtly injure the Six Clerks (and tend to the Oppreſſion of them as Subjects) which was never intended by the Parliament; the Six Clerks with more Reaſon may Alledge, the Suitors Buſineſs may be diſpatched without the preſent Under-Clerks, than they have to Aſſert, That the Six Clerks are become Uſeleſs.

THE Six Clerks humbly Hope, their Repreſentations will appear ſufficient to prevail for a Repeal or at leaſt an Explanation of the Clauſe. As to the firſt, If what the Six Clerks alledge, be True, the Under-Clerks Charge of its Falſity is Unjuſt; and Matters of *Surpriſe* were never reputed as Reflections on any, but thoſe who contrive the *Impoſition*; and the Six Clerks cheerfully Join with their Under-Clerks in the Submiſſion of this Point to its proper Determination.

2. THEIR Anſwer to the Second is very Particular, and ſhews a very good Reaſon why they ought to have had no Recompence at all. For if before, they were at no *Labour* for the Fee, the Fee was undeſerved; And if (as they affirm) *the moſt conſiderable of their Fees* was for what they did *Nothing*, the Fee ought to have been taken away, tho' the Tenor had been neceſſary to be retained. And the Six Clerks inſiſt, That as the Court could not eſtabliſh a new Fee, ſo not ſhare an Old one away from the Six Clerks without their Conſent; and the legal Right to the Fees remain ſtill in the Six Clerks, and from them, and not the Court, the Under-Clerks derived their Share therein.

THE Propoſition advanced by the Six Clerks under this Head is undoubtedly true. And if the Fact fall within it, none but the Under-Clerks will think it Impertinent.

THE Under-Clerks pretending the Third Objection to be Unintelligible, is a Proof that they know not how to Anſwer the Strength of the Argument therein contained, againſt the Uſe they would make of the Clauſe; But it was Artfully done by thoſe who adviſed them, not to pretend to defend the Clauſe by Reaſon, but to run off the Arguments againſt it in the *Lump* or (as they have formed their Merit to the Recompence) in *Groſs* rather than undertake to anſwer them

And therefore the Six Clerks humbly Hope, their Under-Clerks ſhall be treated as the Tenor of the Bill, which their own ill Practices have rendred Uſeleſs and Burthenſome to the Subject.

THE

Six Clerk's

REPLY